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THE
VIRGINIA MAGAZINE
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HISTORY AND BIOGRAPHY.

VOL. XV.

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No. 1.

JOURNALS OF THE COUNCIL OF VIRGINIA
IN EXECUTIVE SESSIONS, 1737-1763.

(From the Originals in the Virginia State Archives.)

CONTINUED.

June 2d, 1740.

PR'SENT :

The Govern'r.

Jno. Carter
John Grymes
John Custis

William Randolph
John Tayloe
Philip Lightfoot, Esq'rs.

The Govern'r acquainting the Board that he had by several Letters rec'd Advice that several homeward bound Ships had been taken & desiring to know the Opinion of the Board whether the Ships w'ch are now ready to sail should be detained for Convoy. It is the Opinion of the Council that it will be more for the Interest both of the Owners & Freighters of those Ships that they should set sail without Convoy rather than be detained so long as it must be before a Convoy can be had.

June 5, 1740.

PR'SENT :

The Govern'r.

James Blair	John Custis
Cole Digges	Wm. Randolph & Jno. Tayloe
John Robinson	Philip Lightfoot
John Carter	Tho's Lee, Esq'rs.

Ordered That the Court of Lancaster do proceed w'th out delay to agree w'th Workmen for the building a new Court House as they were directed by a former ord'r.

June 11, 1740.

PR'SENT.

The Govern'r in Council.

Ja. Blair	John Custis
Wm. Byrd	Wm. Randolph
Cole Digges	Jno. Tayloe
Jno. Robinson	Phi'p Lightfoot &
Jno. Carter	Tho's Lee, Esqr's.
John Grymes	

Or'd that when the Warr'ts to collect the Quit Rents shall be hereafter issued a Clause be inserted That the Sherifs give early Notice to the People that if they do not discharge their Quit Rents in Tobo. on or before the 1st day of June no Tobacco will be rec'd afterwards in discharge thereof but the same shall be paid in Money.

The following persons appointed Sherifs.

Hanover	Michael Holland
King & Queen	Mordecai Throgmorton
Norfolk	Sam'l Smith
Richmond	Anth. Sidnor
Caroline	William Taliaferro
Nanzemond	Thomas Swann
Brunswick	John Duke
Eliz'th City	John Lowry
Lancaster	Joseph Carter

Gloucester	-----
Northton	Joakim Michael
York	John Goodwin
Accomack	Anderson Patterson
Isle of Wright	Nath. Ridley
	Justices.
	[Blank.]

Rose *v.* Lewis. Parties heard by their Council and by consent of the P't'yes, Lewis is to have 2000 Acres begining at the Mouth of Lewis's Creek in one tract.

Hancock ag'st McGeehee Caveat discharged and ord'r that a Pat. Issue for the Land to Michael Holland.

Hancock *v.* Henry & al, a Pat. to Issue to the Pet'r.

Tarleton Fleming *v.* St. Huges Caveat dis'd.

Thorton *v.* Berryman Serv. not ret'd.

Harrison *v.* Harrison Def't app'd & ackn'd he had not sued out a Pat.

Benja. Reynolds *v.* Benja. Berryman new Sum'ns.

Browne *v.* Poole Pat. to issue to the Pet'r.

Maxwell *v.* Bernard Cav't disch'd.

Woodson *v.* Givins new Sum'ns.

Meariwether *v.* Fleming & Hughes Pat. to issue.

Ogleby *v.* Thurman Pat. to Issue to the Pet'r.

Petillo *v.* Harman & al. Cav't dis'd.

Petillo *v.* Fox Land granted the Pet'r.

Parker *v.* Wrenn Caveat disch'd.

Will'm Eppes's & Thos. Dicksons. Ord'r rendered.

June 12, 1740.

PR'SENT.

The Govern'r.

Ja. Blair	Jno. Grymes
Wm. Byrd	Wm. Randolph
Cole Digges	Jno. Tayloe
Jno. Robinson	Phi. Lightfoot &
Jno. Carter	Thos. Lee, Esq'rs.

Brigley *v.* Battersby rights being lodged before the Entry of the Caveat disch'd.

The Lands Caveated for by Sharp granted. The following
 Pet'rs for Land read & granted. [Blank.]
 Starks ord'r renewed.

June 13th.

PRESENT:

The Govern'r.

The Council as yesterday & John Custis, Esq'r. New Com-
 mission for the Isle of Weight.

June 14th, 1740.

PR'SENT:

The Govern'r.

Ja. Blair	Jno. Grymes
Wm. Byrd	Jno. Custis
Cole Digges	Wm. Randolph
Jno. Robinson	Jno. Tayloe
Jno. Carter	Phi. Lightfoot &

Thos. Lee, Esq'rs.

The Govern'r acquainted the Board that he last night rec'd
 an Express from the Govern'r of Maryland & a Letter from the
 Duke of Newcastle to Colo. Spotswood dated the 5th of Jan'ry
 last which he was pleas'd to communicate to the Board & the
 same was read. The Govern'r likewise acquainted the Board
 that upon this Occasion he thought it necessary and intended to
 go to New York as soon as the Assembly should rise.

The adjutant General is appointed to have the Comand and
 Direction of the new raised Levies till the Govern'rs return.

June 16th, 1740.

PR'SENT:

The Govern'r.

Wm. Byrd	Jno. Custis
Jno. Robinson	Wm. Randolph
Jno. Carter	Jno. Tayloe
Jno. Grymes	

Upon consideration of a Letter from the Govern'r of Philadelphia, It is ord'd that the Naval Officers of the several Districts in this Colony do upon the arrival of every Ship within their respective Districts make diligent Enquiry for one Robert Jenkins & him having found secure w'th his Baggage Goods & Effects & more particularly a saddle so that he may be safely conveyed to the Public Goal in Williamsburg.

June 17th, 1740.

PR'SENT :

The Govern'r.

Ja: Blair	John Grymes
Will'm Byrd	John Custis
Jno. Robinson	Will'm Randolph
Jno. Carter	John Tayloe &

Philip Lightfoot, Esq's.

The following Warrants upon the Revenue of 20s. p Hh'd were signed by the Govern'r, to-wit :

To the Govern'r half a Year's Sallary	£1000	—	—
To the Council half a Year's Sallary.....	300	—	—
To the Officers of the Co'rt of Oyer & Terminer.....	100	—	—
To the Auditor of the Plantations half a Year's Sallary.....	50	—	—
To the Sollicitor of the Virg'n Affairs half a Yr's Sallary.....	50	—	—
To the Attorney General.....	35	—	—
To the C'lk of the Council.....	50	—	—
To Will'm Prentise for so much paid the Ministers	6	—	—
To the Armourer.....	6	—	—
To Will'm Prentise for so much p'd the Gunners.....	23	10	—
To Will'm Prentise for so much p'd for repairs of the Govern'rs house	103	18	9
To Will'm Prentise for conting't Charges.....	315	6	5
To the Adjutant.....	75	0	—

And upon his Maj'ties Revenues of Quit Rents :

To Mr. Commissary Blair.....	50	0	0
To the Attorney General.....	35	0	0

Aug. 6, 1740.

PR'SENT :

The Govern'r.

James Blair	Jno. Grymes
Will'm Byrd	Jno. Custis
Cole Diggs	Will'm Randolph
Jno. Robinson	John Tayloe
Jno. Carter	Phi: Lightfoot &

Thomas Lee, Esq'rs.

The Govern'r laid before the board his Majesty's Instructions und'r his Roial Signet & Sign Manual Dated at St. James's the second day of Aprill last.

Ordered

That a Proclamation Issue giving Notice that the General Assembly is to meet according to the time they are prorogued to.

And anoth'r offering A Pistole reward to be paid for taking up a Disserter to the person obtaining a Certificate of the taking up.

Captains to be Commissioned — Lawrence Washington,¹ Charles Walker, Richard Bushrod,² & — Mercer.³

¹ Lawrence Washington, elder brother of George Washington, was born in Westmoreland county and died in 1752. In honor of the English Admiral commanding the fleet during the Carthagen expedition he gave his home in Fairfax county the now world-famous name of Mt. Vernon. He married in July, 1743, Ann, daughter of Col. William Fairfax, of "Belvoir," Fairfax county, and had several children who died in infancy. Lawrence Washington was a member of the House of Burgesses for Fairfax county from May, 1742, to April, 1749, inclusive. In the latter part of his life his health became very delicate. His will is printed in *Ford's Writings of Washington*, XIV., 423-427.

² A member of a family long resident in Eastern Virginia.

³ This was James Mercer, brother of John Mercer, of "Marlbrough, Stafford county. He was afterwards a major in the English army. See this Magazine, XIV., 234.

Lieuten'ts—Francis Moss, ——— Bellamy & Lewis Browne.
 Ensigns—Will'm Fitzhugh,⁴ Hugh Rose, ——— Young &
 ——— Pilott.

Mr. Kennon agrees to let the Snow Phenix to be employed as a Transport upon the same Terms as were agreed to by Capt. Hutchins & to be ready to take the men now raised on board by the 20th of this Month.

Aug. 25, 1740.

PR'SENT :

The Govern'r.

Jas. Blair	John Grymes
Cole Diggs	John Custis
John Robinson	William Randolph
John Carter	John Tayloe &
Phil Lightfoot & Thomas Lee, Esq's.	

Mr. Receiver General made Oath to his Account of the Revenue of Two Shillings p Hhd &c. from the 25th of Oct'r 1739 to the 25th of Aprill 1740, & the Revenne of Quit Rents from the 25th of April 1739 to the 25th of April 1740.

Aug'st 28, 1740.

PR'SENT:

The Govern'r.

Ja: Blair	John Custis
Will'm Byrd	Will'm Randolph
Cole Diggs	John Tayloe
John Robinson	Phi: Lightfoot &
John Grymes	Thos. Lee, Esq's.

Or'd, That a new Commission of the peace Issue for the County of Stafford.

⁴William Fitzhugh, son of George Fitzhugh, of Stafford county, born 1721 and died February 11, 1798. After the Carthageña campaign he retained his commission, but was placed on half-pay. After his marriage to his second wife, Anne, widow of John Rousby, of "Rousby Hall," Calvert county," Md., he removed to that county. He was for many years colonel of militia. See this Magazine, VIII., 91, &c.

Digby Seymour appointed Coroner for the County of North-ton.

Oct'r 16, 1740.

PR'SENT:

James Blair, Esq'r., President.

John Robinson

Will'm Randolph

John Grymes

John Tayloe

John Custis

Phi: Lightfoot &

Thomas Lee, Esq'rs.

Mr. President having Yesterday taken the Oaths to the Governm't was this day sworne to the due observance of the Acts of Trade.

John West appointed an Inspect'r at Hunting Creek.

A Letter from the Gov'rnor of new York in relation to the concluding a peace w'th the Six Nations & for Payment of Philip Levingstone's Account, whereupon the Rec'r General is desired to apply to Mr. Gooch for information of what has passed between the Gov'r of this Colony & the Gov'r of new York in relation to the said demand, And the above mentioned Account is ref'd to Mr. Auditor to examine.

John Royal app'd Inspect'r at Turkey Island in the room of Richard Royal who has resigned.

Or'd, that rights be Issued to the Value of 500£.

Jno. Marshall appointed Inspect'r at Cherrystones & Hungers.

Oct'r 25, 1740.

PR'SENT;

James Blair, Esq'r., President.

Wm. Byrd

John Custis

Cole Diggs

Jno. Tayloe

John Robinson

Thos. Lee, Esq'rs.

Watkins Nicholis appointed Inspect'r at Cabbin Point in the room of ——— who resigned.

Oct'r 28th, 1740.

PR'SENT:

James Blair, Esq'r., President.

Jno. Robinson

Jno. Tayloe

Jno. Grymes,

Philip Lightfoot &

Jno. Custis

Thomas Lee, Esq'rs.

Will'm Randolph

William Harcomb appointed an Inspect'r at Wirrocomico in the room of Ellis Gill who resigns.

PR'SENT:

Wm. Byrd, Esq'r.

Colo. Robinson has leave to survey the land heretofore
gr * *

Upon further Consideration of the Letter from the Govern'r of N. Y: it is ordered that the treaty therein mentioned be recorded in the Council Books, & that the President be desired to make the Indians acquainted w'th the said Letter. and upon consideration of anoth'r Letter & of the Govern'r's answ'r whereby it appears that the Govern'r had engaged to discharge the necessary expense of concluding the said treaty it is ord'd that the sum of 100£ be paid by the receiv'r General in Discharge of Philip Le[vingston].

Acc't conting't Charges & repairs of the Gov'rnors House from 25th Apr. 1740 to the 25th of Oct'r 1740.

Edward Cary app'd Inspect'r at Gloucest'r Town in the room of ——— Coleman, dec'd.

Nov. 3, 1740.

James Blair, Esq'r., Presid't.

Wm. Byrd

Jno. Grymes

Jno. Robinson

Jno. Custis

Jno. Cartet

Wm. Randolph

P. Lighfoot, Esq'rs.

The following Warrants upon his Maj'ties revenue of 2s. p Hh'd signed

For half a Year's Salary to the Govern'r.....	£1060	—	—
Half a Yrs. Salary to the Council.....	300	—	—
To the Judges & Officers of a Court of Oyer & Terminer.....	100	—	—
To the Auditor of the Plantations.....	50	—	—
To the Soll'r of the Virg'n Affairs.....	50	—	—
To the Attorney General.....	35	—	—
To the Cl'k of the Council.	50	—	—
To the Ministers attending two General As- semblys & one General Co'rt.....	16	—	—
To the Armourer.....	6	—	—
To the Gunners of the Batteries.....	23	10	—
For Repairs done to the Govern'rs House....	31	13	1
Contingent Charges.....	340	2	10
Half a Year's Salary to the adjutant.....	75	—	—
And on the Revenue of Quit Rents:			
To Mr. Commissary half a Year's Salary.....	50	—	—
To the Atto. General	35	—	—

The Council advised the Presid't to Pardon the Prisoners und'r Condemnation for the reasons mentioned in Court.

John Tyler app'd Ins'r in the room of John Vass at Bowlers.

Or'd, that John Smith &c. have leave to enter for a survey 50,000 Acres mak'g but two Surveys of the whole.

The several Petitions of John Palmer, Sterling Clack & Bedford Davenport ref'd to Mr. Atto. or Mr. Francis to examine their respective Qualifications.

At a Council held at the President's House

Dec'r 10th, 1740.

PRESENT:

James Blair, Esq'r., President.

Wm. Byrd

Jno. Grymes

Jno. Robinson

William Randolph &

Jno. Carter

Ph: Lightfoot, Esq'rs.

Colo. Byrd to have a Pat't for the Land granted him upon Condition of seating paying rights.

Francis Smith app'd She. of Essex for the ensuing Year.

Christopher Curtis for Midd'x.

Michael Wall, Nicholas Edmunds, Drury Styth, George Hix & William Hayward to be added to the Commission of the Peace for the County of Brunswick.

His Majesties Warr't under his Sign Manual bearing Date at St. James's the 16 Jan'ry 1739-40 directed to the Lieuten't Govern'r & in his absence to the Com'r in chief or the pr'sident of the Council for the time being, requiring Letters Patents to pass under the Great Seal for appointing Head Lynch Esq'r Clerk of the Naval or Navy Office being read, It is the Opinion of the Majority of the Board That a Representation of the Case be made to his Majesty before the said Head Lynch be admitted to the said Office.

A Letter from his G: the Duke of Newcastle Dated at Whitehall Apr. 18th 1740 signifying his Maj'ties Pleasure That an Act of Parl't therein mentioned sho'd be made Public and his Maj'ties Procl'n thereunto. Or'd, That so many Copys of the s'd Act & Procl'm as there are Counties be forthw'th printed & sent to the She's of the respective Counties to be by them published.

M'd the next Council to be the 24th ffeb'ry.

At a Council held at the President's House

Feb: 24th, 1740.

PRESENT:

James Blair, Esq'r., President.

Will'm Byrd

Will'm Randolph

Jno. Robinson

Jno. Tayloe

Jno. Carter

PRESENT:

Philip Lightfoot, Esq'r.

The Council taking into consideration the Representation to be made to the K: came to a Resolution to defer it till Aprill next for a fuller Council.

Several Masters of Ships attending they were called in & acquainted the Board that they would not be ready to Sail 'til the last of April next and that being desirous to sail w'th Convo-y they desired the Board would be pleased to apply to Capt.

Lyde to stay to take them under his Protection, whereto the Council agreed.

Feb. 25, 1740.

PR'SENT:

as Yesterday.

Or'd, that an Embargo be laid on the Ships bound for Great Britain 'til after the 20th of April next.

At a Council held at the Capitol

April 23d, 1741.

PRESENT:

The Hon'ble James Blair, President.

Cole Diggs

John Custis

John Robinson

William Randolph

John Carter

John Tayloe &

John Grymes

Thomas Lee, Esq'rs.

John Blair⁵ was sworn Clerk of the Council in the room of Benjamin Needler Esq'r deceased.

Mr. Secretary's Petition granted, for an inclusive Patent of Sundry Lands therein mentioned.

Present: William Byrd, Esq'r.

Rights to the Value of £500, as usual, Ordered to issue.

Edm'd Pendleton's⁶ Pet'n for a Licence to practice as an Attorney in the County Courts. Ref'd to Mr. Atto. Gen'l or Mr. Francis to examine his qualifications, and report thereon.

John Wayles' his Pet'n for the same. Ref'd to Mr. Atto. Gen'l or to Mr. Francis.

⁵ John Blair (1686-1771), of Williamsburg, appointed to the Council 1743, Auditor General 1732-1771, and as President of the Council acting Governor January-June, 1758, and March-October, 1786.

⁶ The celebrated statesman and jurist.

⁷ John Wayles, of "The Forest," Charles City county, was born in Lancaster, England, in 1715. He was King's Attorney for the county 1756, was a prominent lawyer and acquired a large estate. John Wayles died in 1771. His daughter, Martha, married, first, Bathurst Skelton, and, secondly, Thomas Jefferson.

His Majesties Warrant under his Royal Signet and Sign Manual in favour of Head Lynch Esq'r which stands referred for a fuller Council to make an humble Representation of the Case to his Majesty before the granting any Commission to said Lynch, till his Majests pleasure be known thereupon, being again considered; and the Question put, Five of the Members present were for advising the President to grant a Commission to said Lynch without delay, The other four now present were for respiting the granting s'd Commiss'n as agreed on in the first Council upon it.

But this being an extraordinary Case in which it was thought necessary to have the Opinion of every Member in the Country, and Col. Lightfoot who had given his Opinion in the first Council for the respiting as above, being detain'd from attending by the Gout, it was thought adviseable to send a Messenger to him (with an Account of what had now passed thereon) to desire his present Opinion upon it which being received in the following words:

It is therefore considered that the Council are equally divided upon it, and that for want of a Majority, the intended representation, previous to the granting any Commission, can not be made.

The President representing that the Gen'l Assembly, which the Gov'r had prorogued to the last Thursday in Dec'r last, had by him, by his Proclam'n of the 20th of that month, been further prorog'd to the 17th Inst. with a View to have that Matter further consid'd in the Council then intended the 24th of Feb'ry last, of w'ch he desired the then Clerk of the Council to put him in Mind; but it happen'g then to be forgot, and the said Clerk dying suddainly on the 12th Inst. without ever having published the last prorogation, the day slipt over before it was observed, Whereupon the President desiring the Opinion of this Board, the Consideration thereof is referred to a Council to be held near the End of the Court to advise what can be done therein.

(TO BE CONTINUED.)